



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING DEPARTMENT HEARING

Promoting the wise use of land
Helping build great communities

MEETING DATE September 16, 2005	CONTACT/PHONE Holly Phipps 805/781-1162	APPLICANT Donald B. Hayes	FILE NO. COAL 05-020 SUB2004-00404
SUBJECT Request by Donald B. Hayes for a Lot Line Adjustment to adjust the lot lines between two parcels of 10.50 acres and 25.55 acres. The adjustment will result in two parcels of 23.50 and 12.55 acres. The project will not result in the creation of any additional parcels. The proposed project is within the Agricultural land use category and is located near 6420 Strawridge Road, approximately 6 miles east of Atascadero. The site is in the El Pomar/Estrella planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 05-020 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class V Categorical Exemption was issued on August 4, 2005.			
LAND USE CATEGORY Agricultural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER Portions of 043-041-008 & 009	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: None			
LAND USE ORDINANCE STANDARDS: None			
EXISTING USES: None			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agricultural/scattered residences South: Agricultural/scattered residences East: Agricultural/scattered residences West: Agricultural/scattered residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, and the City of Atascadero.			
TOPOGRAPHY: Gently sloping		VEGETATION: Grasses and Oak Trees	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF		ACCEPTANCE DATE: August 4, 2005	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
10.50 acres	12.55 acres
25.55 acres	23.50 acres

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to create better road access by moving the property line to the existing road. This will eliminate Lot 17 having portions of land on both sides of the road. The parcel size remains consistent with zoning.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because both lots before the adjustment and as adjusted, are consistent with the minimum parcel sizes as set forth in the General Plan, staff has concluded that the adjustment is consistent with both state and local law.

LEGAL LOT STATUS:

The two lots were legally created by map Almond Ridge Orchard No. 6 (3MB33) recorded on October 17, 1923. The Southerly portion of Lot 9 was certified on October 9, 1997 by Certificated of Compliance Document No. 1997-055911.

FINDINGS - EXHIBIT A

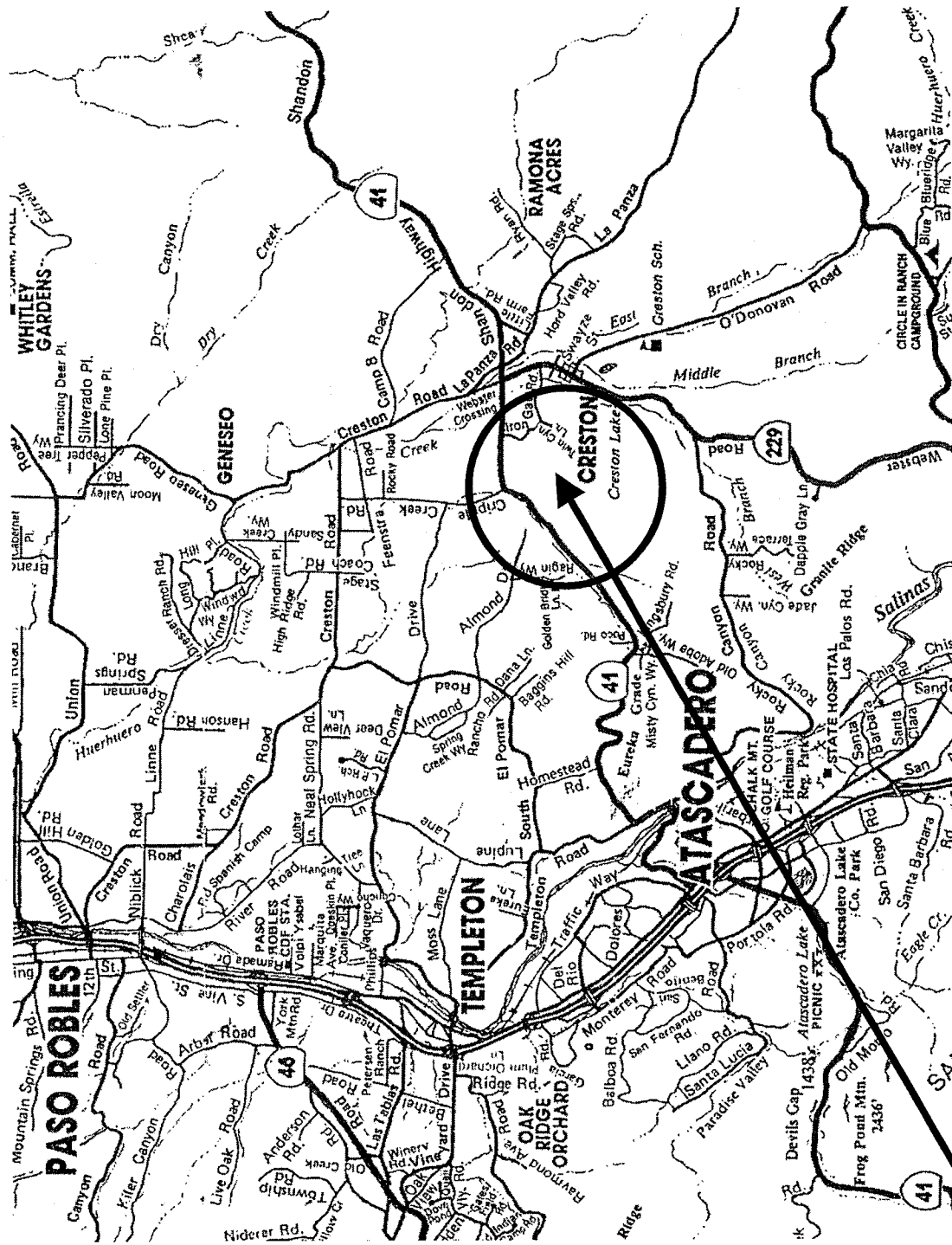
- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will result in the reconfiguration of two (2) parcels to configure the parcels to create a better road access.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a Categorical Exemption (Class V) pursuant to CEQA Guidelines Section 15305 because it is a minor lot line adjustment not resulting in the creation of any new parcels.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded for all parcels that currently do not have access. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.

11. **Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment**, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the notification to prospective buyers of the County's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.

Staff report prepared by Holly Phipps and reviewed by Kami Griffin.



SITE

PROJECT

Lot Line Adjustment
Hayes SUB2004-00404

EXHIBIT

Vicinity Map





SITE

PROJECT

Lot Line Adjustment
Hayes SUB2004-00404

EXHIBIT

Land Use Category



AMARETTO RD.
EXISTING GRAVEL ROAD

ROAD PER R-1
WIDE ROAD PER PER R-2 R-2

LOT 9
PTN 04-04-009
HAYES
NOT A PART

LOT 10
04-04-001
ROLFE

PORTION OF LOT 9
PTN 04-04-009
HAYES
NOT A PART
C OF C 897-00381

NEW PARCEL 1
23.50 AC.

LOT 11
PTN 04-04-008
HAYES
NOT A PART

LOT 16
04-04-007
HUWALDT

NEW PARCEL 2
12.55 AC.

LOT 13
PTN 04-04-008
HAYES
NOT A PART

04-03-044
LYONS

04-03-045
VAN NEST

GRAPHIC SCALE

Lot Line Adjustment
Hayes SUB2004-00404



Site Plan

Lynda Auchinachie
08/25/2005 11:48 AM

To: Elizabeth Kavanaugh/Planning/COSLO@Wings, Holly
Phipps/Planning/COSLO@Wings
cc:
Subject: Hayes

Hi girls,

I met with applicant and reviewed situation. The area that I was proposing to buffer against is steeper than I realized/remembered.....can I blame the heat??? For a variety of reasons, I feel comfortable requiring only RTF notification and removing buffer altogether. Let me know if you have questions. Holly, I can't find your phone #.

Lynda



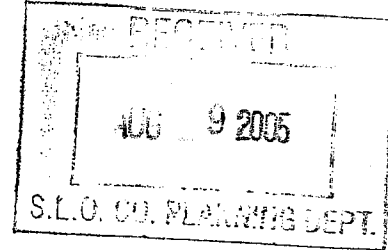
COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910
FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: August 8, 2005
TO: Elizabeth Kavanaugh, Project Manager
FROM: Lynda L. Auchinachie, Agriculture Department *JA*
SUBJECT: Hayes Lot Line Adjustment SUB2004-00404 (1060)



Summary

The applicant proposes to reconfigure two existing parcels of approximately 10 and 26 acres to create parcels of approximately 23 and 13 acres each. The project site is within the Agriculture land use category and is located on Strawridge Road, off Highway 41, near the community of Creston. The Agriculture Department's considers the proposal to **be equal to or better than** the existing parcel configuration with the incorporation of the identified mitigation. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

Recommended Mitigation

1. An agricultural buffer of 200 feet from the southern property line of Parcel 2 is recommended. The buffer applies to future residential homes. The buffer is not intended to restrict other appropriate land uses such as detention basins other uses that are not for human occupancy.
2. Provide supplemental disclosure to purchasers of these properties concerning the existing and potential intensive agricultural operations on nearby properties, including built not limited to dust, noise, odors, and agricultural chemicals, and of the County's Right-to-Farm Ordinance.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

Project Description and Agricultural Setting

The applicant proposes to reconfigure two existing parcels of approximately 10 and 26 acres to create parcels of approximately 23 and 13 acres each. The project site is within the Agriculture land use category and is located on Strawridge Road, off Highway 41, near the community of Creston. The existing 13-acre parcel supports a small portion of a 16-acre vineyard operation that is primarily located on the adjacent applicant owned parcel to the east. The existing 23-acre parcel has not recently been used for agricultural purposes, however, the existing soils could support grape vineyards. Surrounding properties are within the Agriculture land use category and parcels range in size from 11 acres to over 100 acres.

Impacts to Agricultural Resources

The proposal was evaluated for both on and off-site impacts to agricultural resources and operations. The proposed parcels would create two parcels with access from Strawridge Road. In general, the long-term agricultural capability of the two proposed parcels would be similar to the existing parcels. For this reason, the Agriculture Department's considers the proposal to **be equal to or better than** the existing parcel configuration.

Impacts to adjacent agricultural lands and/or operations were also reviewed. The parcel directly south of proposed Parcel 2 has the potential to support a large-scale wine grape vineyard. To address incompatibilities associated with future residential development on proposed Parcel 2, a buffer is recommended. A buffer at the lower end of the range is appropriate due to topography, prevailing winds, and the oak woodland habitat located between the two parcels that will provide screening. Additionally, future purchasers of both properties should be notified that agricultural activities occur in the area and the County's Right-to-Farm Ordinance.

Recommended Mitigation

1. An agricultural buffer of 200 feet from the southern property line of Parcel 2 is recommended. The buffer applies to future residential homes. The buffer is not intended to restrict other appropriate land uses such as detention basins other uses that are not for human occupancy.
2. Provide supplemental disclosure to purchasers of these properties concerning the existing and potential intensive agricultural operations on nearby properties, including but not limited to dust, noise, odors, and agricultural chemicals, and of the County's Right-to-Farm Ordinance.

If you have questions, please call 781-5914.



5
EK
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

6/29/05

TO:

Env. Health

FROM:

North Co. Team

(Please direct response to the above)

HAYES

COAL 05-0200

SUB 2004-00404

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
BOARD FOR THE PLANNERS

PROJECT DESCRIPTION:

LLA. Between 2 parcels. Located
off Strawridge Road, Hwy. 41 E from Atascadero, on
36.05 acres. APNs 043-041-008 & 009. (Creston)

Return this letter with your comments attached no later than:

7/15/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES

NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

No concerns at this time.

Date

7/14/05

Name

Lauri Salo

Phone

781-5551



ECK

5
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

JUN 30 2005

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

6/29/05

FROM

PW

FROM
TO

North Co. Team

(Please direct response to the above)

HAYES

COAL 05-0200
SUB2004-00404
Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
BOARD FOR THE PLANNINGPROJECT DESCRIPTION: LLA. Between 2 parcels. Located
off Strawridge Road, Hwy. 41E from Atascadero, on
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7/15/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF
REVIEW?☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to
reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of
approval you recommend to be incorporated into the project's approval, or state reasons for
recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATEIF THE parcels involved are legal separate parcels then Recommend
Approval - No Concerns02 AUG 2005
DateGoodman
Name5252
Phone